

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**EASTERN DIVISION**

**U.S.A. vs. Patrick Brinkley**

**Docket No. 4:13-CR-46-1F**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Patrick Brinkley, who, upon an earlier plea of guilty to Distribution of Cocaine (7 counts), in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Steven J. McAuliffe, United States District Judge for the District of New Hampshire, on April 27, 2012, to the custody of the Bureau of Prisons for a term of 13 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 3 years under the standard conditions adopted by the court and the following additional conditions:

1. As directed by the probation officer, the defendant shall participate in a program approved by the United States Probation Office for treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse. The defendant shall pay for the cost of treatment to the extent he is able as determined by the probation officer.

Patrick Brinkley was released from custody on September 26, 2012, at which time the term of supervised release commenced. Since his release, he has resided in Rocky Mount, North Carolina. On April 26, 2013, a Violation Report was submitted to the District of New Hampshire advising that Brinkley tested positive for marijuana during a home inspection on April 25, 2013. He admitted to having used marijuana, was verbally reprimanded for this drug use, and he was counseled about his actions. On May 14, 2013, the sentencing judge agreed to continue supervision. On June 24, 2013, jurisdiction was transferred from the District of New Hampshire to the Eastern District of North Carolina.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On December 23, 2014, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on January 6, 2015. During a home inspection on January 8, 2015, the defendant signed an admission of drug use form acknowledging that he used marijuana on December 1, 2014. Additionally, the defendant is \$473 arrears on his special assessment. As a sanction for these violations, we are recommending that he be placed on home detention program for a period of 30 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
201 South Evans Street, Room 214  
Greenville, NC 27858-1137  
Phone: 252-758-7200  
Executed On: January 13, 2015

**ORDER OF COURT**

Considered and ordered this 26<sup>th</sup> day of January, 2015, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge